

CHAPTER NO. 155

HOUSE BILL NO. 3410

By Representatives Hood, Eckles

Substituted for: Senate Bill No. 3386

By Senator Womack

AN ACT to amend Chapter 55 of the Private Acts of 1951 as amended by Chapter 125 of the Private Acts of 1955, Chapter 68 of the Private Acts of 1957, Chapter 84 of the Private Acts of 1961, Chapter 115 of the Private Acts of 1963, Chapter 191 of the Private Acts of 1967-1968, Chapter 143 of the Private Acts of 1969, Chapters 263 and 391 of the Private Acts of 1972, Chapter 73 of the Private Acts of 1975, Chapter 53 of the Private Acts of 1977, Chapter 149 of the Private Acts of 1981, Chapter 4 of the Private Acts of 1985 and any other acts amendatory thereto, Chapter 125 of the Private Acts of 1955, Chapter 125 of the Private Acts of 1963, Chapters 172, 173, and 188 of the Private Acts of 1967-68, and Chapter 4 of the Private Acts of 1973, to update the language of the acts, to repeal provisions that conflict with the general law, and to repeal certain acts regarding crushed rock.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 55 of the Private Acts of 1951, as amended by Chapter 125 of the Private Acts of 1955, Chapter 68 of the Private Acts of 1957, Chapter 84 of the Private Acts of 1961, Chapter 115 of the Private Acts of 1963, Chapter 191 of the Private Acts of 1967-68, Chapter 143 of the Private Acts of 1969, Chapters 263 and 391 of the Private Acts of 1972, Chapter 73 of the Private Acts of 1975, Chapter 53 of the Private Acts of 1977, Chapter 149 of the Private Acts of 1981, Chapter 4 of the Private Acts of 1985 and any other acts amendatory thereto, Chapter 125 of the Private Acts of 1955, Chapter 125 of the Private Acts of 1963, Chapters 172, 173, and 188 of the Private Acts of 1967-68, and Chapter 4 of the Private Acts of 1973 are amended by replacing all references to "County Judge" with a reference to "County Executive" and by replacing all references to the "Quarterly County Court" or "County Court" with a reference to the "County Legislative Body".

SECTION 2. Chapter 55 of the Private Acts of 1951, as amended by Chapter 4 of the Private Acts of 1985 and any other acts amendatory thereto, is amended by deleting Section 3 of the Act in its entirety and replacing it with the following:

SECTION 3. That there is hereby created the office of County Highway Superintendent for Rutherford County, Tennessee. Said County Highway Superintendent shall have direct supervision of the construction and maintenance of all county roads, highways and bridges in the county under the authority and direction of the County Highway Commission. It shall be the duty of the County Highway Superintendent to perform all duties directed by the county highway commission, to make such purchases and to employ such personnel as may be necessary to carry out the purposes of this Act. No purchase made by the highway superintendent under the authority of this Act shall become effective until approved by the county highway commission, provided that, in cases of emergency, the Superintendent is authorized to purchase supplies and equipment not exceeding two hundred dollars (\$200) without the approval of the county highway commission. The county highway commission may provide, for the official use of the Superintendent, an automobile, together with maintenance and operating expenses, to be paid for

out of the highway fund for the county. At the regular August election for county officers to be held in August, 2000, and every four (4) years thereafter, there shall be elected, by the qualified voters of the county, a county highway superintendent. No person shall be qualified to hold the office of County Highway Superintendent unless he or she meets the requirements for the Chief Administrative Officer of a Highway Department under the County Uniform Highway Law, codified in Tennessee Code Annotated, Sections 54-7-101.

SECTION 3. Chapter 55 of the Private Acts of 1951, as amended by Chapter 68 of the Private Acts of 1957, Chapter 115 of the Private Acts of 1963, Chapter 263 of the Private Acts of 1972, Chapter 73 of the Private Acts of 1975, and any other acts amendatory thereto, is amended by deleting Section 4 of the Act in its entirety and replacing it with the following:

SECTION 4. That the County Highway Superintendent shall receive, as his or her compensation, a salary in accordance with Tennessee Code Annotated, Sections 54-7-106 and 8-24-102, for the Chief Administrative Officer over highways, payable in equal monthly installments out of the highway fund of the county. Each district commissioner shall receive as compensation for one (1) day's attendance at the first meeting in any month, the same amount as members of the County Legislative Body receive for a regular meeting, and shall receive as compensation for each day's attendance at subsequent meetings in the same month, the same amount as County Legislative Body committee members receive for committee meetings, plus a travel allowance in accordance with the standard travel policy of the county. No district commissioner shall be reimbursed by his or her traveling expenses until he or she shall have filed, with the chairman of the highway commission, an affidavit setting forth such traveling expenses in detail. Per diem compensation and reimbursed traveling expenses shall be paid to the district commissioners out of the highway fund of the county.

SECTION 4. Chapter 55 of the Private Acts of 1951, as amended by Chapter 84 of the Private Acts of 1961, Chapter 191 of the Private Acts of 1967-68, and any other acts amendatory thereto, is amended by deleting the language "more than one thousand five hundred dollars (\$1,500) from Section 7 of the Act and replacing it with the language "more than five thousand dollars (\$5,000)".

SECTION 5. Chapters 55 of the Private Acts of 1951, and any other acts amendatory thereto, is amended by deleting Section 8 of the Act in its entirety and replacing it with the following:

SECTION 8. That good and solvent bond shall be executed by the highway superintendent in accordance with the requirements of Tennessee Code Annotated, Sections 54-4-103 and 54-7-108. Members of the county highway commission shall execute bonds, if necessary, in an amount specified by a resolution of the County Legislative Body. Said bonds shall be executed at the time of taking oath of office and same, being payable to the State of Tennessee for use and benefit of the county where said officials service, and said bonds being for the faithful performance of all duties and obligations of the respective offices, and proper account of and for any and all funds and the expenditure thereof, which may officially come into their hands, or be expended under their supervisions, and for a proper account of any and all properties, and the care of same, officially committed to their custody, and the payment of such bonds shall be out of the general fund and copies of same spread upon the minutes of the County Legislative Body.

SECTION 6. Chapter 55 of the Private Acts of 1951, as amended by Chapter 125 of the Private Acts of 1955, Chapter 4 of the Private Acts of 1985, and any other acts amendatory thereto, is amended by deleting Sections 9, 10, 14, 16, 18, 19, 21, 22, 23 and 26 of the Act in their entirety.

SECTION 7. Chapters 172, 173, and 188 of the Private Acts of 1967-68, and Chapter 4 of the Private Acts of 1973 are hereby repealed.

SECTION 8. Chapter 125 of the Private Acts of 1955 is amended by deleting paragraph (C) of Section 1 of the Act.

SECTION 9. All laws or parts of laws in conflict herewith are hereby repealed. If for any reason any section of this Act, or parts thereof, shall be held unconstitutional or invalid, such holding shall not affect any other section or part of this Act, each and all sections hereof having been considered as passed separately, in whole and in part, independent of any single section or other section thereof.

SECTION 10. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of Rutherford County. Its approval or non-approval shall be proclaimed by the Presiding Officer of the County Legislative Body and certified to the Secretary of State.


SECTION 11. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 10.

PASSED: April 20, 1998


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 1st day of May 1998


DON SUNDQUIST, GOVERNOR